

Reply to Office Action of August 29, 2006

REMARKS

Summary of Office Action

Claims 1-17 are pending in the application.

Claims 11-17 have been rejected under 35 U.S.C. § 101 as involving “living” subject matter in their apparatus structure. Further, claims 1-17 also have been rejected under 35 U.S.C. § 101 as failing the “useful, concrete, and tangible result criteria.” Additionally, claims 1-17 been rejected under 35 U.S.C. § 112, first and second paragraphs.

Claims 1, 3-7, and 9-10 have been rejected under 35 USC § 102 as being anticipated by Basara, Lisa Ruby, “The Impact of a Direct-to-Consumer Prescription Medication Advertising Campaign on New Prescription Volume,” Drug Information Journal, 1996, Vol. 30, 715-729). (“the Basara Reference”). Alternatively, The Examiner has rejected claims 1, 3-7, and 9-10 as being anticipated by Box 1975. The Examiner has also rejected claims 1, 3-5, and 9-10 as being anticipated by Leone 1987. As a final alternative, the Examiner has rejected claims 1-5, and 8 as being anticipated by Helmer.

In addition to the § 102 anticipation rejections, claims 1-10 have been rejected under 35 USC §103(a) as being obvious from Helmer in view of Basara; claim 2 has been similarly rejected as being obvious from any one of Basara, Box 1975 and Leone 1987 in view of Grapetine; claims 6-7 have been similarly rejected as being obvious from Leone 1987 in view of Hillmer; claim 8 has been similarly rejected as being obvious from as being obvious from Leone 1987 in view of Hooley et al., or alternatively from Box 1975 in view of Haugh et al. Lastly, claims 11-17 have been rejected under § 103 (a) as being obvious from either one of Basara, Box 1975 and Leone 1987 or Helmer in view of in view of Didow et al.

The Examiner objects to the 1/12/06 amendments under 35 U.S.C. 132(a) as new matter.

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Applicant's Reply

Applicant respectfully traverses the new matter objections, the § 101 rejections, the § 112 rejections and the prior art rejections.

However, in order to advance prosecution of this case, applicant has, without prejudice, amended the specification as suggested by the Examiner. Further, applicant has, without prejudice, cancelled claims 1-17, and presents new claims 18-23 for examination. No new matter is added.

Applicant submits that claims 18-23 conform to all requirements of § 101 and § 112. Further, applicant submits that the claims are neither anticipated by nor obvious from the cited prior art, viewed individually or in combination.

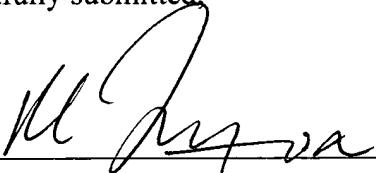
Accordingly, applicant respectfully submits that the claims are in condition for allowance.

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Conclusion

In view of the foregoing remarks, favorable reconsideration and allowance of claims 1-17 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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